

03-03-03

PTO/SB/21 (08-00)

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**TRANSMITTAL
FORM**

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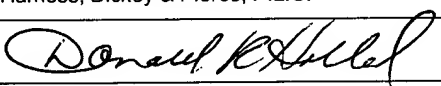
Application Number	09/897,801
Filing Date	June 29, 2001
First Named Inventor	Thomas C. Pinkerton
Group Art Unit	1615
Examiner Name	Carlos A. Azpuru
Attorney Docket Number	6794S-000019

Total Number of Pages in This Submission

ENCLOSURES (check all that apply)

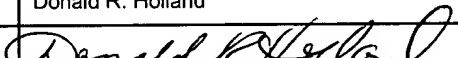
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Form HDP 1449 82 References Check \$590.00 Return Receipt Postcard
Remarks Express Mail Label No. EL 948330615 US		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

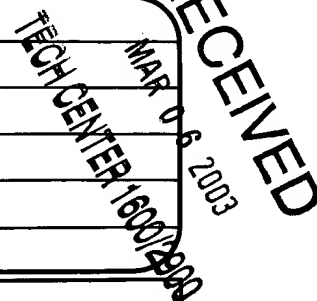
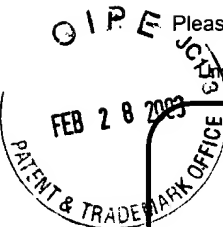
Firm or Individual name	Donald R. Holland Harness, Dickey & Pierce, P.L.C.		
Signature			
Date	February 28, 2003		

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: February 28, 2003

Typed or printed name	Donald R. Holland		
Signature		Date	February 28, 2003

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**FEE TRANSMITTAL
for FY 2003**

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 590**Complete if Known**

Application Number	09/897,801
Filing Date	June 29, 2001
First Named Inventor	Thomas C. Pinkerton
Examiner Name	Carlos A. Azpuru
Group / Art Unit	1615
Attorney Docket No.	6794S-000019/US

METHOD OF PAYMENT (check all that apply)☒ Check ☐ Credit card ☐ Money ☐ Other ☐ None
Order☐ Deposit Account:

Deposit Account Number 08-0750

Deposit Account Name Harness, Dickey & Pierce, P.L.C.

The Commissioner is authorized to: (check all that apply)☐ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$) 0

2. EXTRA CLAIM FEES

Total Claims		-20 **	=	0	X	Fee from below	=	0	Fee Paid
Independent Claims		-3 **	=	0	X		=	0	
Multiple Dependent					X		=	0	

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	410
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	180
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 590**SUBMITTED BY****Complete (if applicable)**

Name (Print/Type)	Donald R. Holland	Registration No. Attorney/Agent)	35,197	Telephone	314 726-7500
Signature				Date	February 28, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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#17
PP

PATENT
Attorney Docket No. 6794S-000019

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Pinkerton

Serial No. 09/897,801

Filed: June 29, 2001

Art Unit: 1615

Examiner: Carlos A. Azpuru

For: ENHANCED PHARMACOKINETIC PROFILE OF INTRADERMALLY
DELIVERED SUBSTANCES

Assistant Commissioner for Patents
Washington, D.C. 20231

REPLY TO OFFICE ACTION UNDER 37 C.F.R. §1.111

This paper is filed in response to Office Action dated October 9, 2002. It is deemed timely filed by virtue of the accompanying petition and fee for two-month extension of time up to and including March 9, 2003.

Claims 85-138 are pending in the case and Claims 85-116 and 119-138 have been examined.

Reconsideration and withdrawal of the rejection of Claims 85-116 and 119-138 under 35 U.S.C. 102(e) over Pettis et al. (US2002/0095134) is, respectfully, requested because the cited reference was filed on June 29, 2001, the same filing date as the instant application. Thus, the '134 application was not filed before the invention by the applicant as required under 102(e)(1).

It is noted that the '134 application claims priority to 09/606,909, filed June 29, 2000 in the first paragraph of the specification. A copy of the 09/696,909 application is included with this response for the convenience of the Examiner. The copy was obtained as provided in 37 C.F.R. § 1.14(c)(1)(i). A copy is also included in a concomitantly submitted Information Disclosure Statement.

The '909 application, however, does not contain the passages cited by the Examiner in the '134 application. The rejection is, thus, believed to be improper and withdrawal is, respectfully, requested.

It is believed that the claims are in a condition for allowance and such favorable action is, respectfully, requested. Should any questions arise, the Examiner is requested to contact the undersigned attorney.

Respectfully submitted,



Donald R. Holland Reg. No. 35197
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